

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

DOCKET NO. 3:08CR74-RJC

UNITED STATES OF AMERICA,

Plaintiff,

v.

PETER JAMES SMITH,

Defendant.

**PRELIMINARY ORDER
OF FORFEITURE**

In the Second Superseding Bill of Indictment in this case, the United States sought forfeiture of property of the Defendant as property that was used or intended to be used to facilitate the crimes charged, which would be subject to forfeiture under 18 U.S.C. § 924(c)(1), 18 U.S.C. § 922(g)(1), 21 U.S.C. § 853 and Fed. R. Crim. P. 32.2(b).

A jury, at the trial of this matter, convicted the Defendant to counts Three, Six and Seven in the Superseding Bill of Indictment. Subsequently, the Defendant has stated that he will not oppose forfeiture of specific property as described below.

It is therefore ORDERED:

1. Based upon Defendant's conviction, the United States is authorized to seize the following property belonging to Defendant, and it is hereby forfeited to the United States for disposition according to law, subject to the provisions of 21 U.S.C. § 853(n):

One Taurus PT99 9 millimeter handgun and ammunition.

2. Pursuant to 21 U.S.C. §853(n)(1), the government shall publish notice of this order; notice of its intent to dispose of the property in such manner as the Attorney General may direct; and notice that any person, other than the Defendant, having or claiming a legal interest in any of the

above-listed forfeited property must file a petition with the Court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in each of the forfeited properties and any additional facts supporting the petitioner's claim and the relief sought. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in property that is the subject of this Order of Forfeiture, as a substitute for published notice as to those persons so notified.

3. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. §853(n).

SO ORDERED.

Signed: February 18, 2009

Carl Horn, III

Carl Horn, III
United States Magistrate Judge

